

RESPONSE TO AMERICAN ASSOCIATION OF THE DEAF-BLIND ET AL CONCERNING DEAFBLIND RELAY SERVICE

We, the undersigned members and friends of the DeafBlind community, would like to respond to the comments, hereinafter known as Said Document, made by the American Association of the Deaf-Blind and other organizations that signed the Said Document, hereinafter referred to as the Consumer Groups. Briefly, we wish the Federal Communications Commission to proceed with DeafBlind Relay Service immediately. While we also support any actions that will improve the accessibility of existing relay services, such as the Consumer Groups' request for a summit, we do not want DeafBlind Relay Service to wait for any such actions to occur first. We hold that there is a need for DeafBlind Relay Service in our community, no matter the outcome of actions addressing existing relay services. We need DeafBlind Relay Service now.

We present the following for your further consideration:

Said Document: *To date, the Commission has consistently emphasized the critical role of Telecommunications Relay Service ("TRS") in the lives of people who are deaf or hard of hearing or who have a speech disability. Telecommunications plays an important role in a person's ability to participate in today's society. TRS provides functionally equivalent telephone service to a significant number of Americans who, without it, may not be able to make or receive calls from others. For reasons set forth below, the Consumer Groups urge the Commission to ensure that any decisions, rules or policies adopted in response to the Hawk Petition are fully consistent with the Commission's responsibility to make certain that functionally equivalent telephone service is available to all persons, including deaf-blind individuals.*

We reply: We agree that telecommunications play a vital role in enhancing and maintaining quality of life. Further, we agree that deaf-blind people must not be left behind in access to telecommunications.

Said Document: *In order to meet this responsibility, the Commission should ensure that members of the deaf-blind community are given ample choices to meet their individual communication needs. Further, the Commission should provide support through the TRS fund for new and innovative services that provide functionally equivalent telephone services for all people with hearing disabilities, including those who also have vision loss. Although seeking public input on the Hawk Petition is certainly a step towards meeting that goal, the Consumer Groups suggest that the Commission first convene a summit of all interested stakeholders to determine what the best solutions are for deaf-blind individuals, rather than focusing solely on one possible service for deaf-blind individuals.*

We reply: We believe this is where the Consumer Groups' confusion begins. It appears the Consumer Groups are under the mistaken impression that by seeking comments on a specific service aiming to serve the deaf-blind population, namely, DeafBlind Relay Service, the Commission is focusing solely on this service for meeting the needs of all deaf-blind people. We are confident that the Commission is not doing this. Rather, the Commission is considering a new service to be added to other, already established relay services, all of which would be available to any deaf-blind people. Not only do deaf and hard of hearing people with varying degrees of vision loss have all the established relay services as their options, insofar they are accessible to them, they will also have DeafBlind Relay Service as an option. While it may be useful to have a summit to address the accessibility issues of any relay service, we submit that this is a separate issue. No matter how improved the accessibility of existing relay services, there is, and will for a long time remain, a need for DeafBlind Relay Service.

Said Document: At the outset, it must be emphasized that the Consumer Groups support a form of Deaf-Blind Relay Service (DBRS), as described in the Hawk Petition, as it can provide the ability for many deaf-blind individuals to communicate by telephone. The Consumer Groups moreover believe that the use of Communication Facilitators ("CFs") to assist the deaf-blind user to place or receive a call and to interpret the ensuing conversations can be an effective tool to enable deaf-blind individuals to communicate among themselves and with others.

We reply: We agree that the use of Communication Facilitators is crucial in giving access to people who rely on touch or the presence of a real-live person. We note, however, that the Consumer Groups may be confused, because it refers to "a form of DeafBlind Relay Service," as if there are more than one service called, or under the umbrella of, DeafBlind Relay Service. Here and throughout Said Document, it seems the Consumer Groups are thinking of two things interchangeably: one, the specific relay service that is called DeafBlind Relay Service, and, two, relay services that are offered to deaf-blind people, including traditional services and any other services that may be created in the future, which the Consumer Groups also refer, confusingly, as DeafBlind Relay Service. This may explain why the Consumer Groups' comments appear contradictory. As the above passage indicates, the Consumer Groups support the specific service that Hawk Relay is proposing, but because it misunderstands it as "a form" of multiple relay services, some of which it is concerned about in terms of accessibility, it requests a conference to address all relay services that may be used by deaf-blind people. We do welcome such a summit to ensure that all relay services, including DeafBlind Relay Service if it is approved, do whatever is possible to maximize accessibility.

Said Document: Deaf-blind individuals, however, must have a choice of DBRSs to choose from, and should not be limited to one form of DBRS offered by one TRS provider.

We reply: The Consumer Groups' reference to "DBRSs" in the plural reinforces our belief that the Consumer Groups are confusing a specific relay service with relay services in general that may also be used by deaf-blind people. It may be helpful to observe at this point how all of the established relay services refer to the medium through which relay service is provided: TEXT relay service, INTERNET PROTOCOL relay service, VIDEO relay service, and so on. DeafBlind Relay Service is unique in that it does not use one medium of communication. It could not be called TACTILE relay service, because not all of the consumers DeafBlind Relay Service is designed for will use this medium; some would use TRACKING, CLOSE-RANGE signing, TADOMA-STYLE tactile speech reading, or any number of other methods. Obviously, it would not do to establish many different relay services with many separate, specific names, one for each communication method. Many deaf-blind people switch between several methods; for example, one may use close-range signing on "good eye days" and revert to tracking or tactile on "bad eye days." If there is to be an alternate name for Hawk Relay's proposed DeafBlind Relay Service, it would be Communication Facilitator Relay Service. Now, the Consumer Groups appear to be under another mistaken impression, that there would be only one company providing DeafBlind Relay Service: Hawk Relay. Although Hawk Relay happens to be the author of the Petition concerning DeafBlind Relay Service, the Commission is considering DeafBlind Relay Service as a service in and of itself, and if approved, any interested company or agency could very well bid to provide this service and compete in this business.

Said Document: *The deaf-blind community is very diverse - some deaf-blind individuals were born hearing and sighted and became deaf-blind later in life, some were born deaf and became blind later, others were born blind and became deaf later, and of course, some were born deaf-blind. This diversity is even more pronounced when one considers that there are varying degrees of deafness and blindness, many of which include some functional hearing or vision. Moreover, the variety of ways deaf-blind individuals communicate includes: American Sign Language (ASL) or signing in English word order (PSE) by close signing, small space signing, tracking (receiver's hand on signer's wrist to follow movement of signs), or tactile signing (receiver's hand(s) on signer's hand(s) to follow handshape and movement of signs), lip-reading/speech through assistive listening devices (FM, loop, cochlear implants, hearing aids), Braille communication devices that enable interaction (Braille TTY's, Braille note takers, devices that have a keyboard at one end for the speaker to type and Braille output on the other end for the deaf-blind person to read communication in Braille), finger spelling only, and print on palm (printing block letters on the palm of the deaf-blind person). Thus, the options for deaf-blind relay services to serve the community should be equally diverse. The Commission must understand that, while Hawk Relay's proposed form of DBRS may be effective for some deafblind individuals, other forms of DBRS or technologies may be effective or preferred by other deaf-blind individuals. Deaf-*

blind individuals will benefit by having a choice of DBRS providers, and the addition of new providers will not only enhance competition, but also advance technological development, increase quality of service, and reduce costs.

We reply: It is precisely because of the diversity in communication needs among deaf-blind people that DeafBlind Relay Service uses direct human resources in the form of trained and skilled Communication Facilitators. The nature of this service is such that it can adapt to meet an extraordinary range of communication needs. DeafBlind Relay Service does not pretend to be the only solution for all deaf-blind people. We agree with the Consumer Groups that there may be a need for additional services and innovations, along with improvements in accessibility of traditional relay services, and we welcome any such advances. We believe that the Consumer Groups support both the specific service of DeafBlind Relay Service and any and all possible new services, innovations, and improvements of existing relay services. But because the Consumer Groups fail to distinguish between the two, they are fearful that DeafBlind Relay Service, as proposed by Hawk Relay, is going to be the only option for all deaf-blind Americans. It is not. We will note here, nonetheless, that DeafBlind Relay Service will likely meet the needs of a very high percentage of the deaf-blind population, and that it is a vital service, whether or not other relay services are improved in accessibility--which can go only so far, given the inherently visual nature of most of these relay services. As for technological advances, we are confident that progress will continue to be made, but we are also realistic when we state that it will take a long while yet before the array and the nature of advanced adaptive technology are such that they are affordable enough and effective enough to render in-person Communication Facilitators obsolete. In the meantime, as over an hundred comments to the Commission on this subject make clear, DeafBlind Relay Service is a much-needed service . . . now.

Said Document: Hawk Relay's proposal is a step in the right direction of expanding available and effective TRS and consumer choice, adopting in whole cloth the Hawk Petition without first seeking comment on alternative or additional effective relay services for deaf-blind individuals is not the way to promote an atmosphere for progress. The Commission should also encourage existing TRS providers, particularly VRS providers, to better accommodate the needs of deaf-blind individuals. Since, as stated above, the deaf-blind community is diverse, and since the degree of hearing and sight varies within the community, some members of the community can make use of existing IRS if providers were to abide by certain minimum standards. For example, the Commission can readily effectuate a DBRS to serve the portion of the community that has low vision by amending the operational standards in Section 64.604(a) of the Commission's rules. Specifically, VRS Communication Assistants can be required to wear clothes that contrast with their skin color and have a contrasting background. Such simple requirements would enable more deaf individuals who have low vision to make use of existing

TRS, that may be more cost efficient and user friendly than other forms of DBRS. While the Commission should ensure that current relay services are readily available to individuals who are deaf-blind, the Commission needs to identify and authorize for reimbursement from the TRS fund other forms of effective relay services for deafblind individuals. Such relay services may include Communication Facilitators providing services on-site at residences, businesses, and other public places. Such support would meet the needs of a segment of the deaf-blind population that currently have no access to existing relay services.

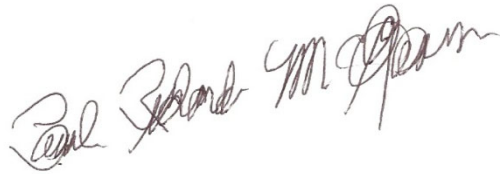
We reply: Even though it is clear that the Consumer Groups are aware of the need for DeafBlind Relay Service and acknowledge that there are deaf-blind people who have no access to other relay services and will still have no access to them even if they were improved in some accessibility features, this passage further reinforces the impression that the Consumer Groups are harboring misguided and unfounded fears that DeafBlind Relay Service would be the only option for deaf-blind people. Their misunderstanding notwithstanding, we applaud the Consumer Groups' interest in having improvements be made in existing relay services. But it does not make sense to prevent or delay the establishment of DeafBlind Relay Service because other relay services may be lacking, and so require changes, in reaching their maximum potential for accessibility. These two things are separate matters. We recommend that the Consumer Groups take a separate action to address the accessibility issues of existing relay services. Since the Consumer Groups do support DeafBlind Relay Service and explain clearly why it is an important option for deaf-blind people, we believe that their comments would be written in a different way if they distinguished correctly between DeafBlind Relay Service and relay services in general that may be used by deaf-blind people.

Said Document: Given the commitment of resources and effort needed to provide functionally equivalent telephone service for deaf-blind individuals, a collaborative, cooperative approach will be the most effective way to achieve the goals that both the Commission and deaf-blind individuals share. Thus, the Commission should first convene a deaf-blind solutions summit of government and industry leaders, along with representatives of the deaf-blind community. The goal of this summit would be to discuss and identify ways to enable deaf-blind individuals to have functionally equivalent telephone services as mandated by Title IV of the Americans with Disabilities Act of 1990. Such a summit would be a starting point for a Notice of Inquiry ("NOI"), which the Consumer Groups requested in September 2007.

We reply: As stated above, we support any activities that might lead to improving the quality of all relay services, but we believe the Consumer Groups' call for a summit does not bear on the proposal to establish DeafBlind Relay Service, at least not on the question of whether or not there is a need for this service. After all, many members of the deaf-blind

community together with the Consumer Groups have affirmed that DeafBlind Relay Service is a viable and necessary tool for affording deaf-blind people access to telecommunications, access that many would not have otherwise, no matter how improved the quality of existing relay services. We therefore request that the Commission consider Hawk Relay's Petition concerning DeafBlind Relay Service separately from the Consumer Groups' call for a summit to address relay services in general. Should the Commission approve both but separately DeafBlind Relay Service and a summit to discuss accessibility issues of all relay services, the summit would then include DeafBlind Relay Service as one of the relay services, and it would be nice for the Commission to have DeafBlind Relay Service to turn to as the solution for whenever the accessibility of other services shall inevitably reach its limits. We feel that there is no reason not to proceed with DeafBlind Relay Service, with or without the Commission convening a summit upon the Consumer Groups' request, since the summit, no matter how successful it is in improving existing relay services, will still come to the conclusion that there is a need for DeafBlind Relay Service. The Commission already holds in its hands abundant testimony to the need for DeafBlind Relay Service today.

Hoping that you will speedily approve DeafBlind Relay Services, we are



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